



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Markus BERGER et al.

Group Art Unit 1646

Serial No.: 10/631,011

Examiner: Unassigned

Filed: July 31, 2003

For: NEW EFFECTOR CONJUGATES, PROCESS FOR THEIR PRODUCTION AND THEIR PHARMACEUTICAL USE

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts dated April 19, 2004:

- Attached is a Statement Under 37 CFR § 1.821 for Sequence Listing.
- Attached is a Reply to Notice to Comply with Sequence Listing Requirement Under 37 CFR § 1.821-825, and Supplemental Preliminary Amendment.
- Applicant(s) include the extra claims fee of \$        for        claims in excess of \$20/\$18/\$9 per additional claim, for        independent claims in excess of 3 \$84/\$42 per additional claim, and/or \$280 for multiple dependent claims.
- Attached Notice To Comply with Requirements for Patent Applications Nucleotide Sequence and/or Amino Acid Sequence Disclosures.
- Applicants affirm that the attached paper disk versions of the sequence listing are identical and do not contain new matter.
- Applicant(s) request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of one/two/three/four/five month(s) along with the fee of \$110.00/\$410.00/\$930.00/\$1450.00/\$1970.00.
- Applicant(s) are entitled to small entity status.
- Attached is a verified English translation of the        language text filed on        along with the fee of \$130.00.

- Applicant(s) provide the title of the invention/inventor(s) name(s) and address(es) on the attached provisional application cover sheet along with the \$50/\$25 surcharge.
- Attached is the Sequence Disclosure as required.
- Attached is the Substitute Specification as required.
- Attached are the substitute drawings as required.
- Attached is an English translation of the application.
- Attached is a certified copy of French Application No. filed on . Acknowledgment of receipt of this document is hereby requested.

Attached is a check in the amount of \$ . However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



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Attorney Docket No.: DORRIE-9

Date: June 21, 2004

AJZ:aap

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Attachment to Notice of Incomplete Reply

This is in response to Applicant's remarks regarding sequence rule compliance in the instant application. An application that contains generic techniques to determine DNA sequence information such as DNA molecule length or nucleotide composition, without disclosing specific sequences, would not have to comply with the sequence rules. The instant application, however, also discloses specific sequences. The facts that no sequences are claimed and any specific sequence mentioned would be used solely for illustrate purposes and not represent a novel sequence disclosure are immaterial. Any sequence that is disclosed must be submitted in accordance with 37 CFR 1.821-825. That is the meaning of the "exclusively" language.

Sequences were found at page(s) 115, and/or Figure \_\_\_\_\_.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/631,011	07/31/2003	Markus Berger	DORRIE-9

23599  
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
2200 CLARENDON BLVD.  
SUITE 1400  
ARLINGTON, VA 22201

CASE \_\_\_\_\_  
ACTION Seq list Due  
DUE DATE 06/19/04

## CONFIRMATION NO. 9536

## FORMALITIES LETTER



\*OC000000012387484\*

Date Mailed: 04/19/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

CASE \_\_\_\_\_

ACTION \_\_\_\_\_

DUE DATE 06/19/04

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450

*Detta  
04/22/04  
RL*

Alexandria VA 22313-1450

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*PB*

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE